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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,918	03/22/2004	Yu Zheng	PAT-1556	2471

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Raymond Sun  
12420 Woodhall Way  
Tustin, CA 92782

EXAMINER

HAWK, NOAH CHANDLER

ART UNIT PAPER NUMBER

3636

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/806,918	Applicant(s) ZHENG, YU	
	Examiner Noah C. Hawk	Art Unit 3636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 7/27/06 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. Claims 6 and 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "an item of furniture positioned in the space" in claim 6 renders the claims indefinite. The applicant appears to be reciting limitations directed toward a panel assembly, but includes references to a separate object, the item of furniture. It is unclear how this item relates to the structure of the claimed invention or what structural limitations it imparts to the panel assembly. If the item of furniture is intended to be included as part of the assembly, details must be provided about the item.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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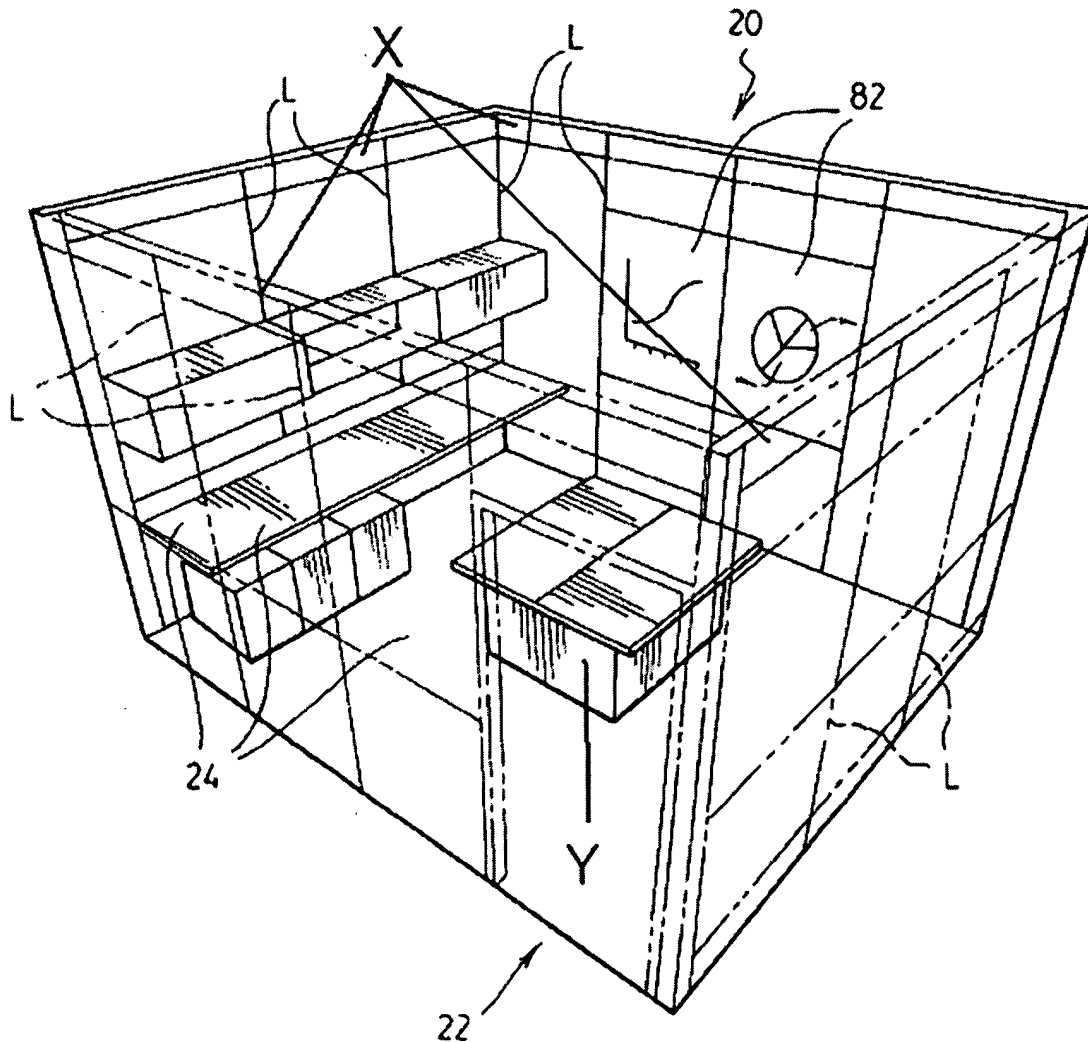
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu in US Patent 6782905 in view of Marangoni et al.

a. Regarding Claim 6, Chu teaches an assembly comprising a first panel (56, best seen in figure 3A), a second panel (50), a third panel (54), and a fourth panel (52), the panels being defined by a foldable frame member (40a or 40b, best seen in Figure 1A) having a folded and unfolded orientation (best seen in Figures 4D through 4F) and a sheet material (22) covering the respective frame member and further having a left and right side. Chu also teaches that the first and second panels are hingedly connected to each other, the third and fourth panels are hingedly connected to each other, the first and fourth panels are removably connected to each other, the second and third panels are removably connected to each other (Best seen in Figure 3C) and that the panels are oriented vertically (best seen in Figure 3A) to form a ring of panels and define a space therebetween. Chu fails to teach that the ring of panels is used around an item of furniture. Marangoni et al. teaches a ring of four vertically oriented panels (X) with an item of furniture (Y) positioned in the space therebetween. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Chu by using the ring of panels to conceal a piece of furniture as taught by Marangoni et al.

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in order to enhance the aesthetic please of the area near the item of furniture.



Marangoni et al., Figure 1

b. Regarding Claim 9, Chu, as modified, further teaches that the frame members forms a plurality of concentric frame members when they

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have been twisted and folded into the folded orientation (best seen in Chu, Figures 4D through 4F.)

c. Regarding Claims 10 and 11, Chu, as modified, further teaches that the first and third panels have a first size and shape and that the second and fourth panels have a second size and shape. (Best seen in Chu, Figure 3A).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chu, as modified, as applied to Claim 6 above and further in view of Zheng '761. Although Chu appears to teach a peripheral sleeve extending along the panels, the document is not explicit about the presence of such a sleeve. Zheng '761 discloses a set of panels each having a periphery, and further including a peripheral sleeve extending along the periphery of each panel for retaining the respective frame member (40, see Zheng '761, Column 3, lines 21-26). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Chu, as modified, by using panels having a periphery and a peripheral sleeve to retain the respective frame member in order to protect the frame member and prevent it from separating from the material of the panel.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 6 and 8-11 have been considered but are moot in view of the new ground(s) of rejection.

7. With respect to applicant's arguments regarding the "item of furniture," please see revised 112, second paragraph rejection above. Because the claims

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appear to be directed to a panel assembly, it is unclear why the item of furniture is included and what structural characteristics it lends to the assembly.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/9/06

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600